

RECEIVED
CENTRAL FAX CENTER

APR 07 2005

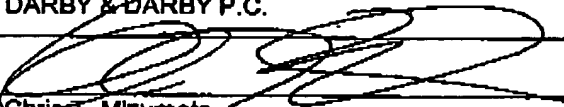
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/705,400
		Filing Date	November 10, 2003
		First Named Inventor	Satoshi Mizutani
		Art Unit	3781
		Examiner Name	M. M. Kidwell
Total Number of Pages in This Submission	13	Attorney Docket Number	20050/0200478-USO

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (6 pgs.) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amendment Transmittal (1 pg.); Response to Office Action dated March 9, 2005 re: Restriction Requirement (3 pgs.); Fax Transmission to USPTO (1 pg.); Certificate of Facsimile (1 pg.)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Chris T. Mizumoto		
Date	April 7, 2005	Reg. No.	42,899

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: _____ Signature: _____ 0

RECEIVED
CENTRAL FAX CENTER

APR 07 2005

FAX TRANSMISSION**DATE:** April 7, 2005**PTO IDENTIFIER:** Application Number 10/705,400
Patent Number
Inventor: Satoshi Mizutani et al.**MESSAGE TO:** US Patent and Trademark Office
FAX NUMBER: (703) 872-9306**FROM:** DARBY & DARBY P.C.
Chris T. Mizumoto
PHONE: (212) 527-7700
Attorney Dkt. #: 20050/0200478-US0**PAGES (Including Cover Sheet):** 13**CONTENTS:** Amendment in Response to Non Final Office Action (6 pgs.)
Amendment Transmittal (1 pg.)
Response to Office Action dated March 9, 2005 (re: Restriction Requirement) (3 pgs.)
Transmittal (1 page)
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 527-7700 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

DARBY & DARBY P.C.
P.O. Box 5257, New York, New York 10150-5257
Telephone: (212) 527-7700 Facsimile: (212) 527-7701

FTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
Application No. (if known): 10/705,400

Attorney Docket No.: 20050/0200478-US0

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on April 7, 2005
Date



Signature
Petra Valentin

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Amendment in Response to Non Final Office Action (6 pgs.)

Amendment Transmittal (1 pg.)

Response to Office Action dated March 9, 2005 (re: Restriction Requirement) (3 pgs.)

Transmittal (1 page)

Fax Transmission to USPTO (1 page)

AMENDMENT TRANSMITTAL LETTERDocket No.
20050/0200478-US0

Application No. 10/705,400	Filing Date November 10, 2003	Examiner M. M. Kidwell	Art Unit 3761
-------------------------------	----------------------------------	---------------------------	------------------

Applicant(s): Satoshi Mizutani et al.

Invention: INTERLABIAL PAD AND PACKAGE THEREOF

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	21	- 21 =		x	
Independent Claims	1	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

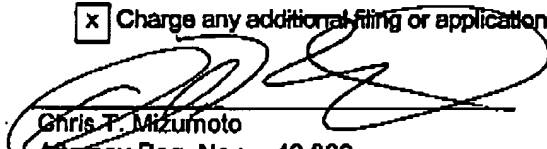
☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 04-0100
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Chris T. Mizumoto
Attorney Reg. No.: 42,899

Dated: April 7, 2005

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7723

Express Mail Label No. _____

Dated: _____

APR 07 2005

Express Mail Label No.

Dated: _____

Docket No.: 20050/0200478-USO
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Satoshi Mizutani et al.**Application No.: 10/705,400****Confirmation No.: 4410****Filed: November 10, 2003****Art Unit: 3761****For: INTERLABIAL PAD AND PACKAGE
THEREOF**

Examiner: M. M. Kidwell**RESPONSE TO OFFICE ACTION DATED MARCH 9, 2005****Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450****Dear Sir:**

In response to the Office Action mailed March 9, 2005, applicant hereby continues to elect species 2, directed to Figs. 4-7.

Applicants asserted in a response dated December 23, 2004 to a restriction requirement dated November 24, 2005 that one of the claims that read on the elected species 2 was claim 1. However, March 9 Office Action alleged that claim 1 did not read on the elected species 2 and provided one month to respond to the Office Action.

In response to the Office Action, claim 1 was amended in an amendment filed concurrently herewith. The amended claim 1 recites as follows:

Claim 1 (currently amended): An interlabial pad for attaching to labia, comprising:

**an absorbing sheet portion for facing a body side upon wearing the interlabial pad; and
a support sheet portion backing the absorbing sheet portion;**

{W:\20050\0200478us0\00312634.DOC [REDACTED] }

Application No.: 10/705,400

2

Docket No.: 20050/0200478-US0

wherein said absorbing sheet portion comprises a pair of absorbing sheet bodies, each of which contains an absorber, said absorbing sheet bodies are separated along a substantial center line of the interlabial pad, and each absorbing sheet body is bonded to said support sheet portion comprising an impermeable support sheet on a peripheral edge portion of the interlabial pad, thereby the body fluid can flow into a void which is formed between a garment face side of the absorbing sheet body and the body face side of the support sheet.

(Emphasis added.)

Claim 1 recites that the absorbing sheet portion contains a pair of absorbing sheet bodies, each of which contains an absorber. Fig. 4 shows an absorbing sheet portion 44a which includes a pair of absorbing sheet bodies 46. Each absorbing sheet body 46 has an absorber 43. Therefore, claim 1 as amended clearly reads on Fig. 4. Claim 1 additionally reads on Figs. 5-7 for at least the same reasons that claim 1 reads on Fig. 4.

Dependent claims 2-3 and 8-10, 14, and 19-20 also read on the elected species 2. Figs. 4-7 show an interlabial pad with an arc-shaped side end. Also, the sheet bodies are shown to be separated from each other by a groove portion. Also, the article shown by Figs. 4-7 performs what are claimed in claims 8-10 and 19-20.

Applicants traverse the restriction requirement/election of species as follows:

In the November 24, 2004 Office Action, Species 2 is alleged to be related only to Figs. 4-7. However, Figs. 1(a) and (b) show basically the same embodiment of the invention as shown in Figs. 4 and 5. Fig. 1(a) is a top view of the embodiment and Fig. 1(b) is a cross-sectional view of the same. Fig. 4 is a perspective/cross-sectional view of the embodiment, and Fig. 5 is a collapsed form of Fig. 4. Therefore, Figs. 1(a) and (b) also belong to Species 2.

Applicants submit that the amended claim 1 is a generic claim that includes many of the species.

Generic claim 1 with the open language, "comprising," reads on Figs. 1 and 4-7 of the present specification. Further, generic claim 1 reads on Figs. 8, 9, 10, 13, and 24 because these

Application No.: 10/705,400

3

Docket No.: 20050/0200478-USO

figures also show "an absorber," "an absorbing sheet portion," and "a support sheet portion" with all the limitations of these elements as set forth in claim 1. Additional features shown in these figures but not directly claimed in claim 1 are claimed in some of the dependent claims.

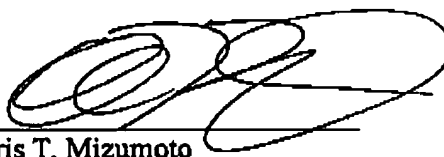
Still further, claim 1 reads on Figs. 11, 12, 19, 21, and 22 because these figures show the backside of the support sheet 42 (part of the support sheet portion 44b), which has a mini sheet piece 62 attached thereto. The other elements of the claim 1 are not shown in these figures merely because the backside of the support sheet 42 is shown. Claim 1 does not mention a mini sheet but claim 6 depending from claim 1 does. Clearly claim 1 is a generic claim that reads on Figs. 11, 12, 19, 21, and 22.

Additionally, claim 1 also reads on Fig. 23 for the same reason as Figs. 1(a), 6, and 7. Claim 1 reads on Fig. 20 because this figure shows an example of how the claimed invention is applied to the body.

In summary, claim 1 reads on Figs. 1, 4-13, and 19-24. Therefore, claim 1 reads on Species 1-7, 9, and 10 and Subspecies 1 and 2. Thus, Applicants respectfully request that upon allowance of the generic claim, the remaining species that the generic claim reads on be considered for patentability.

Dated: April 7, 2005

Respectfully submitted,

By 

Chris T. Mizumoto

Registration No.: 42,899

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

Express Mail Label No. _____ Dated: _____

Docket No.: 20050/0200478-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of:
Satoshi Mizutani et al.**

Application No.: 10/705,400

Confirmation No.: 4410

Filed: November 10, 2003

Art Unit: 3761

For: INTERLABIAL PAD AND PACKAGE THEREOF

Examiner: M. M. Kidwell

AMENDMENT IN RESPONSE TO

NON-FINAL OFFICE ACTION DATED MARCH 9, 2005

**MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated March 9, 2005 (Paper No. 9), please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

{W:\20050\0200478us0\00402191.DOC 1/1/2005 10:10:10 AM}